

King County Developmental Disabilities Division

Natural Environments Policy and Procedure

(9/8/2006 NELT revisions and 9/19/2006 KCDDD revisions)

I. INTRODUCTION

The provision of supports and services in natural environments is neither a new concept nor a new requirement. Early intervention agencies in King County have a long history of providing quality early intervention services in a variety of settings, including home and community settings. Providing services primarily in natural environments as required by law is an issue that has generated considerable discussion and confusion.

King County established a task force, the Natural Environments Leadership Team (NELT), to advise and assist KCDDD in developing strategies to support the system of early intervention services in meeting the Part C natural environments mandate and implementation of evidence-based practices by early intervention providers. The NELT met from April 2006 through October 2006 (Phase I) and advised the Local Lead Agency on the development of policy and procedures to assist in compliance with federal mandates regarding natural environments. Beginning in November, 2006, the NELT, Phase II, will focus on developing guidance and technical assistance to support implementation of evidence-based practices, advise on training and technical assistance needs, and serve as a clearing-house and resource for issues that emerge in the implementation of services in natural environments.

II. PURPOSE

To ensure that early intervention programs provide services and supports to each eligible child within the context of everyday routines and activities in settings that their family identifies as natural or normal, including their home, neighborhood and community settings in which children without disabilities participate.

III. AUTHORITY

Federal

Individuals with Disabilities Education Improvement Act of 2004 Reauthorization (IDEA), Part C:

Sec. 632. DEFINITIONS

(4) Early Intervention Services—

“(G) to the maximum extent appropriate are provided in natural environments, including the home, and community settings in which children without disabilities participate;”

Sec. 635 REQUIREMENTS FOR STATEWIDE SYSTEM

“(a) In General—A statewide system described in Section 633 shall include, at a minimum, the following components:

“(16) Policies and procedures to ensure that, consistent with Section 636 (d)(5)—

“(A) to the maximum extent appropriate early intervention services are provided in natural environments; and

“(B) the provision of early intervention services for any infant or toddler with a disability occurs in a setting other than a natural environment that is most appropriate, as determined by the parent and the individualized family service plan team, only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment.”

Sec. 636 INDIVIDUALIZED FAMILY SERVICE PLAN

“(d) Content of Plan—The individualized family service plan shall be in writing and contain—

“(5) a statement of the natural environments in which early intervention services will appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;”

U.S. Code of Federal Regulations (C.F.R.) 34, Part 303—Early Intervention Program for Infants and Toddlers with Disabilities

Section 303.12 Early Intervention Services.

“(b) *Natural Environments*. To the maximum extent appropriate to the needs of the child, early intervention services must be provided in natural environments, including the home and community settings in which children without disabilities participate.”

Section 303.18 Natural environments.

“As used in this part, *natural environments* means settings that are natural or normal for the child’s age peers who have no disabilities.”

Section 303.167 Individual Family Service Plans.

“(1) To the maximum extent appropriate, early intervention services are provided in natural environments; and

“(2) The provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only if early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment.

Current Office of Special Education Programs (OSEP) Report of Program Settings Where Early Intervention Services Are Provided to Infants and Toddlers with Disabilities and Their Families in Accordance with Part C Instructions.¹

Service settings are defined as follows:

1. Program Designed for Children with Developmental Delays or Disabilities. This setting refers to an organized program of at least 1 hour in duration provided on a regular basis. The program is usually directed toward the facilitation of one or more developmental areas. Examples include early intervention classrooms/centers and developmental child care programs.
2. Program Designed for Typically Developing Children. Services are provided in a program regularly attended by a group of children. Most of the children in this setting do not have disabilities. For example, this includes children served in regular nursery schools and child care centers.
3. Home. Services are provided in the principal residence of the child's family or caregivers.
4. Hospital (inpatient). Hospital refers to a residential medical facility. Child must be receiving services on an inpatient basis.
5. Residential Facility. Residential facility refers to a treatment facility which is not primarily medical in nature, where the infant or toddler currently resides.
6. Service Provider Location. Services are provided at an office, clinic, or hospital where the infant or toddler comes for short periods of time (e.g., 45 minutes) to receive services. These services may be delivered individually or to a small group of children.
7. Other Setting. Any service setting not included in the settings or programs listed above. For example, if the only component of the infant's early intervention services is parent counseling during which the child is not present, and the child receives no direct service, count as "other."

OSEP Policy Letters and Statement

Letter to Heskett, Missouri, May 26, 1999

"...Although Part C recognizes the importance of, and requires, parent involvement throughout the IFSP process, Part C does not relieve the State lead agency of its responsibility to ensure that other regulatory and statutory requirements, including natural environments provisions, are met. While the family provides significant input regarding the provision of appropriate earl

¹ <http://www.ideadata.org/docs/SettingsPtC.doc>

intervention services, ultimate responsibility for determining what services are appropriate for a particular infant or toddler, including the location of such services, rests with the IFSP team as a whole. Therefore, it would be inconsistent with Part C for decisions of the IFSP team to be made unilaterally based solely on preference of the family....”

State

Washington State Plan for 2007

Section III General Application Requirements

A. Definitions

Natural Environments – Settings that are natural or normal for the child’s age peers who have no disability. Those may include the home, neighborhood, or community setting in which children without disabilities participate.

Section IV. Requirements Related to Components of the Statewide System

G. Individual Family Service Plans

2. Procedures

N. The Individualized Family Service Plan shall include but is not limited to the following information

“4. A statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, to achieve the outcomes identified in 3 above including:

- a. Frequency, intensity, location, and method of delivering the service (see Definition Section).
- b. A statement of the natural environments in which early intervention services shall be provided, including a written statement justifying the extent, if any, to which the service will not be provided in natural environments. And
- c. The payment arrangement (who is funding the service?).

I. Natural Environments

1. Policy

A. The State Lead Agency shall assure to the maximum extent appropriate that early intervention services are provided in natural environments. (See definition of Natural Environments in Section III.)

B. The State Lead Agency shall assure early intervention services, for any infant or toddler with disabilities, occurs in a setting other than a natural environment only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment.

2. Procedures

- A. The Individualized Family Service Plan shall include a statement of the natural environment in which early intervention services shall appropriately be provided.
- B. The Individualized Family Service Plan shall include a written statement justifying the extent, if any, to which the service will not be provided in a natural environment.

OSEP Approved Washington State Performance Plan and Annual Performance Report

Public Law 108-446 (IDEA 2004) requires that no later than one year after the date of enactment (i.e., December 3, 2005), each State Education Agency and Lead Agency for Part C must develop and submit to OSEP a six year State Performance Plan (SPP). The SPP is designed to evaluate the State's efforts to implement the requirements and purposes of Part B and Part C respectively and describe how the state will improve its implementation. Each state is now required to report annually to the public and to OSEP on each local education agency's and Part C program's performance on the targets in the SPP through future Annual Performance Reports (APRs).

IV. KING COUNTY PROCEDURES

The IFSP identifies the location of each service. In the event the IFSP team determines that an outcome cannot be met in a natural environment the following must be included in the IFSP justification statement:

- Statement as to why the outcome cannot be achieved in a natural environment;
and
- Statements addressing how the services provided in this location or using this approach will carry over to support the child's ability to function in the natural environment;
and
- Timeline for when the service will be transitioned to a natural environment or a statement as to why a service will not be able to be transitioned to a natural environment;
and
- Assessment to determine continued need at least every six months.

A setting is considered a natural environment and does not require a justification in the IFSP if:

- It is in the child's home,
or
- It is in the home of a friend or relative,

or

- It is an integrated activity in a childcare or daycare in which most of the children who attend are typically developing and enables all children to learn by imitating their peers doing the same activities at the same time in the same location.

or

- It is an integrated and embedded activity within an inclusive group/class that was created to meet the needs of all children who attend and that most of the children in attendance are typically developing peers of the child(ren) attending who have a disability or developmental delay,

or

- It is a location commonly regarded by the general community to be a place in which any child attends or plays, such as but not limited to local parks, recreation programs, community preschools or playgroups, sports events, public libraries, bookmobiles, stores, child care programs, places of worship, restaurants, playgrounds, nature trails, museums and community events.

A setting is not a natural environment and does require a justification in the IFSP if:

- It is a location where children go specifically because they have disabilities or medical issues,
- or
- It is in a childcare or daycare facility that is designed exclusively or predominantly for children with developmental disabilities,
- or
- It is an activity or program that is created for children with developmental delays or disabilities who attend only because they have a developmental disability,
- or
- It is a program that is attended predominately by children with developmental delays or disabilities,
- or
- It is a program in which the typically developing children who participate are mostly siblings or older children rather than same age peers.

A justification cannot be based upon:

- The preference or convenience of the early intervention specialist/provider or administration such as:
 - availability of equipment rooms;
 - therapist perception of safety issues;
 - refusal to travel away from the clinic or to a particular area or distance,
 - or a belief in clinic-based services.

- The preference of any individual IFSP team member, including the parent, if the IFSP outcome can be achieved in a natural environment.

The family is part of a team and cannot make unilateral decisions. Because service decisions made in early intervention, within the development of the IFSP, is a team decision-making process, justification for a service decision that establishes services outside the practice of the principles of natural environments cannot be based alone on family choice. While the family provides significant input regarding the provision of appropriate early intervention services, ultimate responsibility for determining what services are appropriate for a particular infant or toddler, including the location and approach of such services, rests with the IFSP team as a whole. Therefore, it would be inconsistent with early intervention practice for decisions of the IFSP team to be made based solely on preference of the family. The early intervention system (including King County and the State Part C Lead Agencies and all other public funders) bears no financial, legal or other responsibility for the early intervention services that are selected exclusively by the family, outside of the IFSP team, or those services that are selected outside the bounds of natural environments without clear justification for the choice.

Other examples which cannot be used for justification include parent preferences such as comfort with providers in the home (in which case alternative community based locations should be explored), desire for “time off” or ability to be away from child during services, parent belief that services outside the natural environment will enable the family to receive other benefits such as more or greater amounts of services, “better equipment”, or a parent belief in clinic based services.

- The need for specialized equipment (for example, standing box, adapted bicycles, Rifton chairs, etc.);

On some occasions an outcome may require necessary specialized equipment that is not feasible to transport to the child or provide in the natural environment or a community setting within the natural family routines (for example, vision testing or auditory equipment that is used as a temporary means to increase the child’s skills). In these cases, justification would be made in accordance with established procedures on the IFSP.

- For fiscal reasons such as travel costs, refusal to transport portable equipment due to liability, vehicle space availability;

- For personnel shortages or limitations such as provider or staff availability (whether due to scheduling or lack of qualified staff);
- Because of diagnosis or identification of a particular disabling condition.

V. GUIDANCE

EFFECTIVE INTERVENTION BASED UPON SCIENTIFIC EVIDENCE BASED PRACTICES [To be developed by NELT Phase 2]

Early Intervention agencies and families have requested that King County provide information which better explains the intent or provides additional clarification which would be helpful in implementation of certain policies. This guidance is not a policy or procedure, but does provide some highlights of generally accepted evidence based practices. It is shared to help implement quality programs.